

**REGULATION OF COMMERCIAL SHRIMP UNLOADING;
REQUIRING AN OCCUPATIONAL LICENSE; AUTHORIZING A
FEE**

CHAPTER 1151

H.B. No. 1260

AN ACT

relating to the regulation of commercial shrimp unloading; requiring an occupational license; authorizing a fee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 47.0091, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.0091. PURCHASE OF AQUATIC PRODUCTS BY WHOLESALE FISH DEALERS. No wholesale fish dealer may purchase for resale or receive for sale, barter, exchange, or any other commercial purpose any aquatic product from any person or entity in this state unless he purchases the product from the holder of:

- (1) a general commercial fisherman's license;
- (2) a commercial oyster fisherman's license;
- (3) a commercial oyster boat license;
- (4) a wholesale fish dealer's license;
- (5) a fish farmer's license;
- (6) a commercial shrimp boat license;
- (7) a commercial oyster boat captain's license;
- (8) a commercial shrimp boat captain's license;
- (9) a commercial crab fisherman's license; ~~or~~
- (10) a commercial finfish fisherman's license; or
- (11) a commercial gulf shrimp unloading license.

SECTION 2. Section 47.0111, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.0111. PURCHASE OF AQUATIC PRODUCTS BY RETAIL FISH DEALERS. No retail fish dealer may purchase for resale or receive for sale, barter, exchange, or any other commercial purposes any aquatic products from any person or entity in this state unless he purchases the product from the holder of:

- (1) a wholesale fish dealer's license;
- (2) a general commercial fisherman's license, a commercial shrimp boat license, a commercial shrimp boat captain's license, a commercial gulf shrimp unloading license, a commercial crab fisherman's license, or a commercial finfish fisherman's license when the retail fish dealer has given written notification to the director or his designee of the dealer's intent to purchase aquatic products from the holder of a general commercial fisherman's license, a commercial shrimp boat license, a commercial shrimp boat captain's license, a commercial crab fisherman's license, or a commercial finfish fisherman's license; or
- (3) a fish farmer's license.

SECTION 3. Section 47.012, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.012. PURCHASE OF AQUATIC PRODUCTS BY RESTAURANT OWNER, OPERATOR, OR EMPLOYEE. No restaurant owner, operator, or employee may purchase for consumption by the restaurant's patrons on the restaurant's premises any aquatic product from any person or entity in this state unless the person purchases the aquatic product from the holder of:

- (1) a wholesale fish dealer's license;
- (2) a general commercial fisherman's license;

- (3) a fish farmer's license;
- (4) a commercial shrimp boat license;
- (5) a commercial shrimp boat captain's license;
- (6) a commercial crab fisherman's license; ~~or~~
- (7) a commercial finfish fisherman's license; or
- (8) a commercial gulf shrimp unloading license.

SECTION 4. Subchapter C, Chapter 77, Parks and Wildlife Code, is amended by adding Section 77.034 to read as follows:

Sec. 77.034. COMMERCIAL GULF SHRIMP UNLOADING LICENSE. (a) Except as provided by Subsection (b), no person may unload or allow to be unloaded at a port or point in this state shrimp or other aquatic products caught or taken from the outside water or from salt water outside the state without having been previously unloaded in some other state or foreign country, unless the person has obtained:

(1) a commercial gulf shrimp unloading license; and

(2) a federal commercial vessel permit for gulf shrimp from the National Oceanic and Atmospheric Administration.

(b) A person holding a valid resident or nonresident commercial gulf shrimp boat license is exempt from the requirement to hold a commercial gulf shrimp unloading license.

(c) A vessel operating under a commercial gulf shrimp unloading license must make a nonstop progression through outside waters to a place of unloading. The commission shall adopt rules for the requirements of trawl gear storage for a vessel who holds a commercial gulf shrimp unloading license while that vessel is making a nonstop progression through outside waters to a place of unloading.

(d) The fee for a commercial gulf shrimp unloading license is \$1485, or an amount set by the commission, whichever amount is more.

SECTION 5. Section 77.035(a), Parks and Wildlife Code, is amended to read as follows:

(a) Except as permitted under Section 77.034, no ~~No~~ person may operate a commercial gulf shrimp boat for catching or assisting in catching shrimp and other edible aquatic products from the outside water, or have on board a boat, or unload, or allow to be unloaded at a port or point in this state, shrimp and other edible aquatic products caught or taken from the outside water or from salt water outside the state without having been previously unloaded in some other state or foreign country, unless the owner of the boat has obtained a commercial gulf shrimp boat license.

SECTION 6. Sections 77.0352(a) and (b), Parks and Wildlife Code, are amended to read as follows:

(a) The holder of a commercial shrimp boat license or commercial gulf shrimp unloading license may sell only the catch of shrimp from the vessel to which the commercial shrimp boat license or commercial gulf shrimp unloading license applies.

(b) The holder of a commercial shrimp boat license or commercial gulf shrimp unloading license may sell aquatic products other than shrimp if those aquatic products:

(1) were taken incidental to lawful shrimping on the vessel to which the commercial shrimp boat license or commercial gulf shrimp unloading license applies; and

(2) comply with all applicable provisions of this code or commission regulations.

SECTION 7. Section 77.039(a), Parks and Wildlife Code, is amended to read as follows:

(a) A commercial shrimp boat license or commercial gulf shrimp unloading license issued under this subchapter must be a sign or emblem at least 32 square inches in size and be constructed of a durable material.

SECTION 8. The Parks and Wildlife Commission shall adopt rules not later than

September 1, 2018, to implement Sections 77.034, Parks and Wildlife Code, as added by this Act, and 77.039, Parks and Wildlife Code, as amended by this Act.

SECTION 9. This Act takes effect September 1, 2017.

Passed by the House on April 25, 2017: Yeas 129, Nays 13, 2 present, not voting;
passed by the Senate on May 22, 2017: Yeas 29, Nays 2.

Approved June 15, 2017.

Effective September 1, 2017.

PROTECTION OF THE RIGHTS OF CONSCIENCE FOR CHILD WELFARE SERVICES PROVIDERS

CHAPTER 1152

H.B. No. 3859

AN ACT

relating to protection of the rights of conscience for child welfare services providers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle D, Title 2, Human Resources Code, is amended by adding Chapter 45 to read as follows:

CHAPTER 45. PROTECTION OF RIGHTS OF CONSCIENCE FOR CHILD WELFARE SERVICES PROVIDERS

Sec. 45.001. *LEGISLATIVE INTENT.* It is the intent of the legislature to maintain a diverse network of service providers that offer a range of foster capacity options and that accommodate children from various cultural backgrounds. To that end, the legislature expects reasonable accommodations to be made by the state to allow people of diverse backgrounds and beliefs to be a part of meeting the needs of children in the child welfare system. Decisions regarding the placement of children shall continue to be made in the best interest of the child, including which person is best able to provide for the child's physical, psychological, and emotional needs and development.

Sec. 45.002. *DEFINITIONS.* In this chapter:

(1) "Adverse action" means any action that directly or indirectly adversely affects the person against whom the adverse action is taken, places the person in a worse position than the person was in before the adverse action was taken, or is likely to deter a reasonable person from acting or refusing to act. An adverse action includes:

- (A) denying an application for, refusing to renew, or canceling funding;
- (B) declining to enter into, refusing to renew, or canceling a contract;
- (C) declining to issue, refusing to renew, or canceling a license;
- (D) terminating, suspending, demoting, or reassigning a person; and
- (E) limiting the ability of a person to engage in child welfare services.

(2) "Catchment area" means a geographic service area for providing child protective services or child welfare services.

(3) "Child welfare services" means social services provided to or on behalf of children, including:

- (A) assisting abused or neglected children;
- (B) counseling children or parents;
- (C) promoting foster parenting;
- (D) providing foster homes, general residential operations, residential care, adoptive homes, group homes, or temporary group shelters for children;